

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARRINGTON KEYS,

Plaintiff,

CIVIL ACTION NO. 3:10-CV-1570

(JUDGE CAPUTO)

JACQUELINE CARROLL, et al.,

Defendants.

**MEMORANDUM**

Defendant District Attorney Jacqueline M. Carroll has moved for a protective order staying discovery against her pursuant to Federal Rule of Civil Procedure Rule 26(c)(1).<sup>1</sup> (Doc. 107). Plaintiff has filed no brief opposing this Motion, and the Court therefore deems the Motion unopposed pursuant to Local Rule 7.6 ("Submission of Briefs Opposing Motions").

However, Defendant Carroll's November 15, 2011 Motion is predicated on the fact that, at the time of her Motion, there were no claims pending against her. In her Brief, Carroll argues "that discovery methods for use against a party . . . are not appropriate in these circumstances because, until the Court allows any further pleading against her, she is not a party to this case and there are not pending claims establishing boundaries of relevance." (Def.'s Br. at 4, Doc. 115). On December 6, 2011 Plaintiff filed an Amended Complaint with renewed claims as against Defendant DA Carroll. DA Carroll moved on December 21, 2011 to dismiss those amended claims. (Doc. 133).

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<sup>1</sup>Rule 26 provides that a court may limit discovery in a variety of ways "for good cause. . . to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed. R. Civ. P. 26(c)(1).

As there are claims currently pending against Defendant DA Carroll, the Court will deny her Motion for a Protective Order. However, the Court will stay discovery as against Defendant DA Carroll pending resolution of her Motion to Dismiss. An appropriate order follows.

February 15, 2012  
Date

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge